

NOV 27 1925

CIRCULATION Daily average net paid circulation for month ending October 31, 1925 7352

Capital Journal

FAIR TONIGHT

and Thursday. Cooler in the interior tonight. Moderate westerly winds. Local: Max. 51; min. 44; rain. 1; river, 1.0; atmos. cloudy; wind, south.

FORTY-SEVENTH YEAR No. 281

SALEM, OREGON, WEDNESDAY NOVEMBER 25, 1925

PRICE THREE CENTS ON TRAINS AND NEWS STANDS FIVE CENTS

CHAPMAN IS FREED TO HANG

KIP TOLD OF GIRL'S BLOOD BACK IN 1921

Former Chauffeur Quotes Youth As Saying He Did Not Care If Girl's Father Was Colored.

White Plains, N. Y., Nov. 25.—(AP)—Three years before his marriage to Alice Beatrice Jones, negro maid servant, Leonard Kip Rhinelander was informed that her father was part negro but he answered that he didn't care, Ross Chiticker, former chauffeur for the Rhinelanders testified. Chiticker said that it was he who drove Alice and Leonard to the hotel Marie Antoinette where they stayed a week as man and wife in December, 1921. He said that he had visited Rhinelander in Stamford that same month and was shown a clock which Leonard said he was going to present to Alice for Christmas. Said he didn't care "Do you mean to tell me you are going to give her a Christmas present?" Chiticker testified he asked. "Yes," responded Rhinelander, the witness said. "Then I asked, 'Don't you know her father is colored?' and he answered, 'I don't care if he is.'"

Mrs. George Jones, elderly white mother of Alice, took the stand in behalf of her daughter and denied that she had ever heard Alice lay claim to being white. It has been one of the contentions of Leonard Kip Rhinelander, the plaintiff, that Alice had assured him she was white in (continued on Page Nine)

Will Refuse Commutation



GERALD CHAPMAN

GOOD EVENING WORDS and MUSIC By Stoddard King

THANKSGIVING The pilgrims had for residence a stern and rockbound coast. Their food was mostly Indian meal and seldom quail or trout; And as they traveled to and fro, these brave and hardy souls, The noble redskin lay in wait and shot them full of holes. And yet the Pilgrim fathers, in their sober way, were glad, And grateful for whatever little blessings could be had. On days of thanks they sang their psalms, exceptionally strong And with grim pety endured a sermon three hours long.

Today we do not have to wrest our living from the soil, Our men consider seven hours a day of arduous toil; We ride about from place to place in shiny limousines, And women do their housework with electrical machines. The consequence of all this is we grumble and complain; We blither about the rain, But we, too, have our days of thanks, by President's decree— And no one goes to football games more piously than we!

Zeke Potts, reports Joe Buzard, "says that it is going to be a long, cold winter. He bases his predictions on the fact that all his liquid assets are frozen already."

President Coolidge's plea for forest conservation has had one effect. People are buying their Christmas shopping early. (Copyright 1925)

EUGENE LETS CONTRACT FOR LARGER RESERVOIR

Eugene, Or., Nov. 25.—Contract for the construction of the new Eugene water reservoir, on the Skinnerville, has been awarded to the B. C. Seydel company of Portland, on a bid of \$1,802,82. Four other Portland bidders and five Eugene contracting firms made offers for the project.

POWELL'S DEALS AS KLANSMAN IN OREGON SCANNED

Victoria, B. C., Nov. 25.—(A. P.)—Sharply criticizing the Canadian Ku Klux Klan and its organizers, Attorney General A. M. Manson, speaking before the legislature here yesterday, read letters which he said were received from "responsible people" in Oregon regarding Major Luther L. Powell of Portland, a Klan organizer. Powell was barred from Canada and then admitted for 30 days. One letter said Powell had been Klan organizer in Oregon four years ago. "Major Powell," it read, "figured in many sensational episodes in Oregon and Washington and helped to promote the Portland Skyliner corporation and other notorious schemes where klansmen lost more than \$100,000. Powell finally quarreled with Grand Dragon Fred L. Gifford and was banished from the order several months ago."

Patterson Urges Use Of Old Boys' School As Prison Adjunct

The use of the present boys' training school, when the new one at Woodburn is opened for use, as an intermediate prison for first offenders and younger men, is advocated by I. L. Patterson, candidate for the republican nomination for governor, in a statement issued today. A more judicial use of the pardoning power is also urged by Senator Patterson in his statement, which reads as follows: "In announcing my candidacy for governor under date of October 22nd I stated that I favored placing the penitentiary under the board of control, giving my reasons therefor. Since then so many inquiries have come to me asking just what I favored for a

OFFICERS OF LAW FLAYED BY M'MAHAN

Constitutional Rights Of Citizens Violated On Every Hand Declares Circuit Judge.

That the present system of law enforcement is "the greatest hypocrisy on earth" was the statement made by Judge L. H. McMahon in a speech before the Salem Rotary club here this noon. "The constitutional rights of our citizens are being violated day after day," he declared. "That the law is enforced only against persons without financial or political influence, was the gist of McMahon's speech.

Unlawful Arrests Many. "Time and again," he said, "you read in the paper a note to the effect that the police have arrested on suspicion and are holding him for investigation. They have absolutely no legal right to arrest him or to hold him under such circumstances.

"I have in mind the case of a certain young man out here from the east. His father was chief justice of the supreme court of Michigan. He was arrested while coming into town from a hop yard one Saturday night in company with a man who had been drinking and had liquor in his possession. This lad had never taken a drink in his life, and had no liquor on him. Yet he was thrown in the city jail here, not allowed bail, with no charge preferred against him, and not allowed to telephone to any of his friends and kept there until Sunday. "Shoot Without Cause. "In another case an officer saw a man drop a jug and break it on the streets of Salem. The officer drew his gun, pointed it at him, forced him to pick the broken pieces up and took him into custody. That officer was committing a penitentiary offense, yet nothing has ever been said about it. "A policeman saw a man speeding right here in this city. He ordered him to stop. The man kept going. The officer drew his gun and fired at the man. It had hit him and killed him. It would have been a case of murder. Nothing has ever been said or done about it. There was another case over at Woodburn, where an officer emptied his gun at a speeder. Searches Are Illegal. "Again and again on our public highways men have been held up by law enforcement officers and searched for liquor on suspicion. There was a prominent businessman of this city who was held up and searched on his way to Newport. His family was forced to get out of the car and wait while the search was going on. Such procedure has absolutely no justification in the law, McMahon declared. Searching is not legal, he said, except for probable cause. "If they see liquor in your possession, or if they see that you are under the influence of intoxicating liquor, then they have a right to search you, but only that. I could enumerate other instances of this kind."

Says Enforcement Biased. The issuing of search warrants on information and belief, a common practice with authorities here, violates the constitutional right of the people, the judge insisted. "You may think," he said, "that I am simply opposed to having prohibition enforced. On the contrary, I have favored prohibition all my life. I voted for the first prohibition amendment in '37. I was the only newspaper man in this state who refused to carry liquor advertisements in my newspapers, for a period of some 10 years before the newspaper business.

"When the American Legion held its last convention at Prineville, Prineville was wretched, but ever before. When the Eks met at Portland, the town was wide open. In both cases all the law enforcement officers were sent to Klamath county, for political reasons.

Calexico, Cal.—Nearly 100 American women have been ordered out of Mexico.

DEFENSE OF MITCHELL IS CONCLUDED

Permission To Visit Baby Daughter Over Holiday Is Refused By War Department.

Washington, Nov. 25.—(A. P.)—Colonel William Mitchell rested his defense today before the army court martial, exactly four weeks from the time he was halted before that tribunal as a result of his charges against the war and navy departments.

Washington, Nov. 25.—(A. P.)—Colonel William Mitchell was denied permission today to visit Detroit to see his baby daughter during the Thanksgiving recess of his court martial. His request to the war department was returned marked "disapproved."

The colonel has been ordered to remain in Washington throughout the duration of his trial.

Defense Nears Close. Washington, Nov. 25.—(A. P.)—The defense in the court martial trial of Colonel William Mitchell began winding up its case today in a peaceful atmosphere, in marked contrast to the tenacious noticeable for the last two days when the accused officer occupied the stand.

Representative Reid of Illinois, Colonel Mitchell's counsel, announced at the outset that his case would be completed before nightfall, but the activity of the prosecution in arranging rebuttal testimony indicated the end of the case was some distance away. It is considered certain that Major General Charles P. Summerall, commanding the second corps area, and former president of the court, will be brought in by the prosecution. The general, who quit the court after a protest had been lodged against him by the defense, has been ordered to hold himself in readiness to appear. Colonel Herbert A. White, military counsel of the defense, today resumed his reading of the voluminous official correspondence, Congressional committee air service hearings and reports taken from the war and navy departments' files regarding aviation questions, generally.

BIG CAR CRASHES THRU GUARD RAIL

Their car was badly damaged but Ray Able of Silverton and Leo Killian of Salem escaped unhurt when their car, a heavy touring vehicle, hurtled through a guard fence on the Salem-Silverton road near the Mathis nursery. The car crashed through the heavy railing, snapping off two heavy posts as it went, then jumped over and landed right side up in a field. Officer Warren Edwards of the Salem police and William S. Lewis, state prohibition commissioner, investigated the case. No arrests have been made. Roadmaster Culver was making preparations today to repair the fence. He said three 8 by 8 posts were cut as cleanly as though by a knife. "This is the seventh accident on this curve we know of," states the roadmaster. "And everyone was due to reckless driving."

Journal To Issue Early Thanksgiving To allow its employees an opportunity to observe Thanksgiving Day the Capital Journal will go to press at 1 o'clock tomorrow afternoon.

Cooking Not Lost Art Here, Interest In School Reveals

European women often accuse American women of having lost the art of cooking. The bakery, the delicatessen and the corner grocery store, combined with an inherent tendency to consider cooking menial labor, are reasons advanced for this accusation. Anyone who has attended The Capital Journal three-day electric cooking school, under the direction of Miss Bernice Lowen, home economist, which closes in the army this afternoon, knows that Salem women are intensely interested in cooking and are eager to learn new and better ways of preparing and serving food. For the past three afternoons more than 500 women and a number of men, from all walks of life, have watched Miss Lowen prepare, cook, bake or fry, luncheon dishes of various kinds, pies, cakes, meats and even a Thanksgiving turkey. In the audience have been cooks and their wives, women who do the cooking for their small families, country women who think nothing of cooking for two dozen farm hands, high school girls, grandmothers and sweet young things who are preparing for the time when they will be cooking dishes to tempt the appetite of the "only man." All have been listening to and watching closely the

(Continued on Page Four)

MT. ANGEL STILL OWNERS FINED \$250 AND \$500

Declaring that the defendants had already paid the penalty for their liquor offenses and that the offense upon which they were now being sentenced was the simple one of possession of an unregistered still, Circuit Judge L. H. McMahon this afternoon levied fines without jail sentences upon John Andrews, L. A. Dixon and Henry Johnson, convicted of having a still in their possession. Andrews and Dixon were fined \$500 each, and Johnson's fine was fixed at \$250.

In passing sentence Judge McMahon said: "These defendants have, heretofore, been tried, convicted and sentenced for manufacturing liquor in the identical still for having which in their possession without its being registered, they are now to be sentenced. "In the present case they are charged only with having an unregistered still in their possession, a charge that could be brought against any man who might have in his possession an unregistered still for extracting oil from mint, or for distilling water only. The law nowhere provides that in case the unregistered still shall be used for manufacturing liquor that the penalty shall be more severe than it would be if it had been used for distilling mint or water. "It was not necessary for the state to prove, in order to secure conviction, that these three defendants had any connection with making liquor therein. All the state had to prove was that the still was not registered and that defendants were in possession thereof, but it did appear from the testimony, as an incident only to the trial of the case, that the still at the time it was alleged to have been in possession of it, was used for manufacturing whiskey. "Since these defendants have all been tried, convicted and sentenced for manufacturing liquor in this still, and the law forbids two sentences for one crime, it becomes my duty under the law, to dissociate from this case all consideration of the use to which this still was put, for if I did consider the use to which it was put and imposed a heavier sentence because of the use, I would be adding to the penalty already pronounced against these defendants in the former case, an act forbidden by the law. The state exhausted its remedy against the defendants for manufacturing liquor in this still in the former case. In it the state vindicated the law and affixed the full penalty. "On the other hand, had these defendants not been convicted of the graver offense of manufacturing whiskey and had not received a sentence commensurate with that crime, I would, in this case, take into consideration the use to which it appears the still was put, in sentencing them. Evidently, the law contemplated placing into the hands of the trial judge this power for that purpose, but the former conviction and sentence for using the still for manufacturing whiskey, under the reason of the law, prohibits me from, in this case, considering the use to which the still was put."

NON-COMBATANTS SLAIN BY DRUSES

Beirut, Syria, Nov. 25.—(A. P.)—Fourteen naturalized American citizens who reached Beirut today with about 2000 refugees from Damascus, west of Damascus, where fierce Druse attacks were ended yesterday by the relief of the French garrison, say that in the hand to hand fighting between the Druses and Christian volunteers the rebel tribesmen killed many women and children.

If You Were a City Councilman?

NOTE—For the best letters of 200 words or less submitted during November the Capital Journal will give three prizes of \$10, \$5 and \$2.50. The letters must be on "What You Would Do if You Were a Councilman" and should be addressed to the Contest Editor. The letters must be signed by the name and address of the sender, but the letters will be published by name only, and the judges will judge them before learning the names of the writers. Number Forty Two Editor: Here's a few things I would try to do if I were a city councilman. 1. Favor a bond issue of \$300,000 for the building of a combined auditorium and war veterans memorial building. Lower floor for public meetings, also under lease for special road shows and moving pictures. Feature plays etc., also store rooms for rent. Upper floor to be lodge rooms and meeting place for all war veterans. A home for those brave men and women, veterans of all wars who so gallantly responded to our country's call. I would finance this building with a bond issue. All income from building, after expenses, going into a sinking fund for the retirement of bonds, city paying interest only. Bonds being callable. 2. Favor concrete bridges. 3. My favorite "hobby" good sidewalks would receive my special attention. 4. A general clean up of dog farms, foul smelling chicken houses, also several junk piles in (continued on Page Nine)

DOUMER SAYS CABINET JOB IMPOSSIBLE

Herriot Called To Form New Ministry When Two Others Fail To Get Needed Support.

Paris, Nov. 25.—(A. P.)—Former Premier Edouard Herriot this evening undertook to attempt the formation of a cabinet. On leaving the Elysee palace, whither he had been summoned by President Doumergue, M. Herriot said: "I will do my best to meet the wishes of the president."

Paris, Nov. 25.—(A. P.)—France was still without a cabinet tonight to succeed the Poincare ministry which resigned Sunday following an adverse vote by the chamber of deputies on the government's finance bill. Refusal of the various groups in the chamber of deputies to promise support for his financial plans caused Senator Paul Doumer today to decline the task of forming a new ministry, as it did M. Briand yesterday.

Former Premier Edouard Herriot, radical leader and president of the chamber of deputies, was summoned this afternoon by President Doumergue but failure of his projected "concentration" cabinet of the left is considered likely in well informed circles.

23 QUARANTINED FOR CONTAGIOUS DISEASES HERE

A total of 22 cases of contagious diseases are now under quarantine in Salem according to a report of City Health Officer W. B. Mott filed with City Recorder Paulsen. Of these cases 10 are smallpox, nine diphtheria and three chickenpox.

The persons quarantined for smallpox are: Mr. and Mrs. Keeley 126 North 22nd street; Catherine Hutcheon, 1240 South 15th; Emma and Cliff Elketh, 420 South 22nd; Wilma Sahn, 2112 Lee; Rita Crook, 653 North High; Frank Wilson, 1893 North Church street; John Wolf, 966 North 21st; C. E. Stricklin, 1530 State; Virgil McCormick, 160 North 18th; John Swenink, 105 East Mill. The diphtheria quarantines are: A patient named King, 3509 North Fourth; Jessie Shortridge, 854 Front; Bryan Hazelton, 1294 B.rr.; Vernon Stranghaugh, 684 Highland; Cover family, 175 North 23rd; Nora Pole, 1510 State; June and Betty Nelson, 1765 South High; Francis Hughes, Chemeketa street; patient named Fitzgerald, 945 S. 12th; Albert Fildet, 1135 North Commercial.

WIFE WILL GIVE TINNEY CHANCE; DIVORCE PENDS

New York, Nov. 25.—(A. P.)—Mrs. Frank Tinney, whose uncontested suit for divorce is pending, has a new boarder named Frank Tinney. At least that's the way the comedian described himself when he went to his wife's Long Island home after his return Monday from London. As for that divorce—"what divorce?" demanded Frank Tinney blandly every time he is asked about it. Mr. and Mrs. Tinney went shopping yesterday accompanied by seven year old Frank Tinney, Jr. but Mrs. Tinney did most of the buying. Frank says he is broke. Afterward Mrs. Tinney drove home and the comedian hid himself in the Elks' club where he borrowed a dollar from the doorman to pay his taxi fare. As for anybody named Imogene Wilson, the Tinneys don't mention her. Imogene or "Bubble" as Frank used to call her was the cause of Mrs. Frank's suit. Imogene, a chorus girl, is now abroad. Mrs. Myron Elias, Mrs. Tinney's daughter, explained the present relationship of her mother and stepfather, as not quite reconciliation. "They have agreed to begin all over again, on a fifty-fifty basis," she said. "Mother wants to see him established on Broadway again."

PRISON TERM IS COMMUTED BY COOLIDGE

Condemned Bandit Says He Will Refuse Offer Which Would Allow Hanging December 3.

Hartford, Conn., Nov. 25.—(A. P.)—Gerald Chapman, mail robber and murderer, will be relieved from death sentence set for December 3 until March 3, 1926, by Governor Trumbull probably tonight, by agreement reached between State's Attorney Alcorn and Joseph Freeman of counsel for Chapman.

Hartford, Conn., Nov. 25.—(A. P.)—Gerald Chapman has informed his counsel that he will not accept presidential commutation of his robbery sentence. It is understood, in advance of official statement, that commutation of Chapman's federal prison sentence will be the state's answer to the writ of habeas corpus served on Warden Scott late yesterday, ordering him to produce Chapman before Federal Judge Thomas in court at the state prison next Monday.

Federal Term Ended. Hartford, Conn., Nov. 25.—(A. P.)—The federal sentence of Gerald Chapman has been commuted by President Coolidge. The executive order terminating the sentence of 25 years imposed in federal court at New York for the robbery of a mail truck, was signed by the president at 6 o'clock Monday evening and was made public today when the document was delivered to Warden H. K. W. Scott, for service on Chapman. The official document, which terminated federal interest in Gerald Chapman, was brought back to Hartford by State's Attorney Hugh M. Alcorn and was delivered to Warden Scott for service on Chapman. The warden immediately prepared to do this, and the action marked another step in the efforts of the state of Connecticut to execute Chapman for the murder of Policeman James Skelly of New Britain on October 12, 1924. County Detective Edward J. (continued on Page Nine)